



Board of Adjustment  
PO Box 120  
Town of Fremont, New Hampshire 03044  
Minutes of February 24, 2009  
Approved March 31, 2009

Members present: Chairman Doug Andrew, Member, John (Jack) Downing, and Alt/recording Secretary Meredith Bolduc.

Mr. Andrew called the meeting to order at 7:30 p.m. and called the roll.

Mr. Andrew appointed Mrs. Bolduc as an alternate to the Board for this evening, taking the place of absent Member Aaron Epstein.

#### MINUTES

Mr. Downing made the motion to accept the minutes of the January 27, 2009 meeting as written. Motion seconded by Mrs. Bolduc with unanimous favorable vote.

#### REORGANIZATION OF THE BOARD

Mr. Downing nominated Mr. Andrew as Chairman for the ensuing year. Motion seconded by Mrs. Bolduc with unanimous favorable vote. Mr. Andrew accepted the position.

Mrs. Bolduc nominated Mr. Boisvert as Vice-Chairman for the ensuing year. Motion seconded by Mr. Downing with unanimous favorable vote. Mr. Boisvert was not present to accept the position.

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#### WORKSESSION

The Members reviewed and discussed the following. There were no decisions made during these discussions.

1. The 2008 NH Office of Energy and Planning (OEP) Board of Adjustment Handbook with a special emphasis on Variance and Special Exception criteria.
2. Non-buildable and non-conforming properties as they pertain to zoning.
3. Proposed House Bill 446 which will amend NH RSA 674:33 by adding new language to define unnecessary hardship. This bill is introduced at the 2009 session and proposed to be effective January 1, 2010 if it is passed.

4. Wind Power

The Board discussed NH RSA 674:63 - Municipal Regulations of Small Wind Energy Systems.

*Ordinances or regulations adopted by municipalities to regulate the installation and operation of small wind energy systems shall not unreasonably limit such installations or unreasonably hinder the performance of such installations. Unreasonable limits or hindrances to performance shall include the following:*

- I. Prohibiting small wind energy systems in all districts within the municipality.*
- II. Restricting tower height or system height through application of a generic ordinance or regulation on height that does not specifically address allowable tower height or system height of a small wind energy system.*
- III. Requiring a setback from property boundaries for a tower greater than 150 percent of the system height. In a municipality that does not adopt specific setback requirements for small wind energy systems, any small wind energy system shall be set back from the nearest property boundary a distance at least equal to 150 percent of the system height; provided, however, that this requirement may be modified by the zoning board of adjustment upon application in an individual case if the applicant establishes the conditions for a variance under this chapter.*
- IV. Setting a noise level limit lower than 55 decibels, as measured at the site property line, or not allowing for limit overages during short-term events such as utility outages and severe wind storms.*
- V. Setting electrical or structural design criteria that exceed applicable state, federal, or international building or electrical codes or laws.*

Mrs. Bolduc reported that she contacted the NH Local Government Center relative to RSA 674:63, III and has found that the ZBA can deal with this RSA through the variance process. She said that the Planning Board will review the States model wind ordinance and decide whether to put it forward for next year.

CORRESPONDENCE

1. The Board received a notice of the NH OEP Annual Spring Planning & Zoning Conference scheduled for Saturday May 2, 2009. There are no packets this year, but the conference information and registrations will be available online beginning March 2, 2009. Mrs. Bolduc said that she will forward the information to the Board Members and asked that anyone who wants to attend register through the Land Use Office so she can remit one payment for all.

Next meeting: scheduled for March 31, 2009.

At 8:55 pm Mr. Downing made the motion to adjourn.

Motion seconded by Mr. Bolduc with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc, recording secretary